Law of the DPR Korea on Maritime Search and Rescue

Adopted by Decree No. 159 of the Presidium of Supreme People's Assembly
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Chapter 1 Fundamentals of Law on Maritime Search and Rescue

Article 1 (Objective)

The Law of the DPR Korea on Maritime Search and Rescue is intended to contribute to protecting the human lives and properties by establishing a strict and sound system in maritime search and rescue operations.

Article 2 (Definition)

For the purpose of this law:

1. Maritime search means the operation that locates persons and ships in distress at sea, rivers and lakes.
2. Rescue means the operation to retrieve persons and ship in distress, provide necessary assistance and deliver them to a place of safety.
3. Rescue coordination means the operation to organize or command the rescue activities by responding to distress immediately.
4. Maritime search and rescue coordination organs mean specialized agencies including the Maritime Rescue Coordination Center and Maritime Rescue Sub Centers, responsible for coordinating and undertaking maritime search and rescue operations. It includes.
5. Shipborne radiocommunication equipment means a shipboard installation capable of transmitting and receiving the information necessary for the search and rescue operations between maritime search and rescue coordination organ and the ship.
6. Ship reporting means any reporting from ships to maritime search and rescue coordination organs by either automated transmission of information through radiocommunication equipment or voice communication mode.
7. Ship monitoring means the observation of ships in service either navigating or berthing and verification of distress circumstances for the purpose of search and rescue operations.
8. Frequency for distress, emergency and safety means the frequency, other than the general radio communication frequencies, specially allocated to be used for providing aid or assistance to the person or the ship being distressed or navigating.
9. Maritime SAR contingency response plan means the plan describing the responsibilities and tasks of the institutions, enterprises and organs to be engaged

in maritime search and rescue operations in response to distress incidents along with the information on necessary personnel, means and methods therefor.

10. Rescue communication facility means the communication equipment, steel tower and buildings used by maritime search and rescue coordination organs for search and rescue communication.

Article 3 (Main principles of maritime search and rescue)

Timely search and rescue of persons and ships in distress is the prerequisite to prevent the deterioration of marine casualties.

The State shall ensure that the maritime search and rescue system is put in place and consistently improved.

Article 4 (Principles for establishment of maritime search and rescue coordination organ)

The State shall ensure that the maritime search and rescue coordination organs are located in regions appropriate for the maritime search and rescue operation.

Article 5 (Principles of maintaining communication for maritime search and rescue operation)

It is essential to maintain communication between maritime search and rescue coordination organ and ships for maritime search and rescue operation.

The State shall ensure that maritime search and rescue communication system is put in place and well maintained.

Article 6 (Principles for rescue coordination and operations)

The State shall ensure that the maritime SAR contingency response plan is put in place, according to which rescue coordination and operations are conducted promptly.

Article 7 (Principles of providing material and technical means for the maritime search and rescue)

The State shall increase planned investment in, modernize material and technical means for and improve material support to the maritime search and rescue.

Article 8 (Principles of scientific research and training of experts)

The State shall develop scientific researches on maritime search and rescue sector and train the technicians and experts in this sector in a far-sighted way.

Article 9 (Category of distress)

Distress is classified into 3 categories including very serious distress, serious distress and less serious distress according to its occurrence, scope and water area concerned.
The national maritime administration organ undertakes to establish appropriate distress classification criteria.

Article 10 (Promotion of the international exchange and cooperation)
The State shall foster exchange and cooperation with other States and international organizations with regard to maritime search and rescue.

Article 11 (Application)
This law applies to institutions, enterprises and organs and individual citizens and foreign ships and citizens engaged in navigation or in the economic activities such as fishing and scientific researches in the DPRK waters.

Chapter 2 Maritime Search and Rescue System

Article 12 (Organization and composition of committees of maritime search and rescue coordination)
For the purpose of overall coordination of maritime search and rescue operation, the National Committee of Maritime Search and Rescue Coordination shall be established in the national maritime administration organ, the local committees in provinces or cities under the direct control of the State, cities, districts and counties.
The committees of maritime search and rescue coordination shall be composed of personnel from relevant bodies such as maritime administration organs, national planning authority, ship operating organs, port, harbor and quay operating and managing organs, public health organs, post and telecommunication organs and hydrometeorological organs.

Article 13 (Mission of committees of maritime search and rescue coordination)
Committees of maritime search and rescue coordination undertake:
1. to determine missions, authorities and scope of activities of the relevant institutions, enterprises and organs with regard to the maritime search and rescue;
2. to decide on the scope of response according to the distress class and take appropriate measures for the rescue pursuant to the approved maritime SAR contingency response plan;
3. to timely report to the relevant non-standing national maritime search and rescue coordination committee on the distress incidents and the SAR measures undertaken to respond thereto;

4. to establish the SAR area with the consent of the relevant organs;
5. as for the National committee of maritime search and rescue coordination, to cooperate with international organizations and other States on behalf of the Democratic People's Republic of Korea with regard to maritime search and rescue; and
6. to review the maritime search and rescue operations and take appropriate measures.

Article 14 (Search, rescue and rescue coordination of maritime search and rescue coordination organs)

Maritime search and rescue coordination organs shall conduct and coordinate search and rescue operations in response to distresses according to the defined distress seriousness subject to the approval of committees of maritime search and rescue coordination.

Article 15 (Establishment of ship reporting system)

Maritime search and rescue coordination organs shall establish a ship reporting system through radiocommunication equipment.

Ship operating institutions, enterprises and organs shall fully implement the ship reporting system.

Article 16 (Establishment of ship monitoring system)

Maritime search and rescue coordination organs shall establish a ship monitoring system by using necessary means such as the shipborne automatic identification system, long range identification tracking system of ships, vessel traffic service system, radar system and closed circuit television system.

Relevant institutions, enterprises and organs shall provide information necessary for the operation of the ship monitoring system.

Article 17 (Setting of frequencies for distress, emergency and safety)

Radio regulatory organs shall set the frequencies for distress, emergency and safety to be used for maritime search and rescue operation.

Maritime search and rescue coordination organ shall provide 24-hour communication in the frequency for distress, emergency and safety.

Article 18 (Development and approval of maritime SAR contingency response plans)

The maritime search and rescue (SAR) contingency plans include the national

maritime SAR contingency response plan and provincial maritime SAR contingency response plan.

The national maritime SAR contingency response plan shall be drafted by the National Committee of Maritime SAR Coordination for approval by the Cabinet, while the provisional maritime contingency plans shall be drafted by the appropriate local committees for approval by the upper level committees.

Article 19 (Items to be included in maritime SAR contingency response plans)

The following items shall be included in maritime SAR contingency response plans:

1. Policy and objectives for maritime search and rescue;
2. Delimitation of maritime SAR areas at the national and regional level and cooperation between the maritime SAR coordination organs;
3. Mission, authority and scope of activity of institutions, enterprises and organs to be engaged in search and rescue operation;
4. Preparedness for mobilization of maritime search and rescue resources;
5. Provision and report of navigational information for safety;
6. Coordination of search and rescue specific to distress seriousness;
7. Measures for providing medical service during maritime search and rescue operation;
8. Measures for providing rescue equipment, material and fund; and
9. Search and rescue exercise.

Article 20 (Updating of maritime SAR contingency response plans)

Maritime search and rescue coordination organs shall keep maritime SAR contingency response plans under regular review by checking rescue resources such as ships, equipment or vehicles prepared by the institutions, enterprises and organs specified in such plan. The updating process shall be subject to approval according to the established procedure.

Article 21 (Preparation of rescue capability and means)

Maritime search and rescue coordination organs shall be provided with means for coordination including radiocommunication equipment and information technology equipment and rescue means including command vehicles, search and rescue ships and other equipment necessary for maritime search and rescue operation.

Facilities, enterprises, entities and ships listed in maritime SAR contingency response plans shall be equipped with rescue resources such as rescue force, equipment and materials as appropriate so that the alert phase can be managed in a timely manner.

Passenger ships shall have on board a search and rescue cooperation plan and rescue means approved by the appropriate maritime administration organs.

Article 22 (Provision and report of navigational information)

Hydrometeorological service organs and hydrographic organs shall timely provide navigational information required by maritime search and rescue coordination organs in relation to maritime search and rescue operation. Maritime search and rescue coordination organs shall inform ships of such information.

Article 23 (Medical care system)

Public health organs shall establish an on-scene and telemedical care system to give medical assistance to persons rescued in cooperation with maritime search and rescue coordination organs.

Article 24 (Maritime search and rescue exercise)

Maritime search and rescue coordination organs shall conduct the maritime search and rescue exercises subject to the approval of the National Committee of Maritime SAR Coordination.

Relevant institutions, enterprises and organs shall participate in maritime search and rescue exercise with rescue means such as radiocommunication equipment, diving equipment, rescue equipment listed in maritime SAR contingency response plans.

Chapter 3 Ship reporting and rescue communication

Article 25 (Installation and register of shipborne radiocommunication equipment)

Ship operating institutions, enterprises and organs shall have their ships fitted with GMDSS equipment and shipborne radiocommunication equipment such as shipborne automatic identification equipment as specified by the national maritime administration organ.

In this case, the approval and use of the radiocommunication equipment shall be subject to legislations relating to radio regulation.

The national maritime administration organ shall take appropriate actions to ensure that the relevant international organization registers the information of radiocommunication equipment installed onboard the international voyage ships which are entitled to fly the flag of the Democratic People's Republic of Korea.

Article 26 (Installation and register of ship radio communication equipment)

Ships shall be equipped with radio equipment, power supplying system, spare parts and alternative source of power supply as required by the regulations and operate the

radio communication equipment during the navigation, anchorage and operation.
Ships shall keep records of the use of the radiocommunication equipment and the contents of communications in the relevant log book.

Article 27 (24 hour communication in the frequency for distress, urgency and safety)
Ships shall maintain 24 hour communication in the frequency set for distress, emergency and safety and shall not use the frequency for purposes other than the above.

Article 28 (Mandatory ship reporting)
Ships shall report to maritime SAR coordination organs by using radiocommunication equipment such as the shipborne automatic identification system (AIS).
The ship reporting shall be made mandatory for DPRK flagged ships as well as foreign flag ships navigating or conducting economic activities such as fishing and scientific researches in the DPRK waters.

Article 29 (Retention of the reported data from ships)
Maritime SAR coordination organs shall retain the data reported form ships and voice communication data recorded in real time for a specified period. Such data shall not be deleted, changed, disclosed or handed over.
In case a judicial organ requests the data, it may be disclosed or handed over to the organ after approval of the national maritime administration organ.

Article 30 (Inputs into the reported data from ships)
Reported data from ships include static data and dynamic data; the former include ship's name transmitted by radiocommunication equipment such as AIS, identification number of ship, nationality and call sign while the latter include the location, course and speed of the ship.
Ship shall input the data to be reported into the radio communication equipment such as AIS.

Article 31 (Provision of communication means and buildup of database)
Maritime SAR coordination organs shall be provided with the communication means capable of providing the communication and international telecommunication between the institutions, enterprises and organs and ships and build up a database related to the search and rescue. The database shall include relevant data such as technical specifications, main designs, contact details of DPRK flagged ships and information on radiocommunication equipment installed onboard international voyage

ships.

Article 32 (Communication maintenance of maritime SAR coordination organs)
Maritime SAR coordination organs shall use the ship monitoring system to identify and analyze the data transmitted by ships in real time or maintain SAR communication. They shall be able to call any ship.

Article 33 (Communication test, survey, maintenance and certificate of radio communicationequipment on ship)
Ship operating institutions, enterprises and organs shall have their ship radiocommunication equipment tested and surveyed by maritime administration organs and regularly maintained by the relevant technical service organs.
Ships engaged on international voyage shall carry certificates for communication test, survey and maintenance of radio communication equipment.

Article 34 (Finding and reporting of potential dangers to navigation)
Where a ship, on a voyage, at anchor and in operation, encounters a storm or finds or is informed of navigational dangers such as big ice floe or objects floating nearby or oil spill, the ship shall timely report to maritime SAR coordination organs thereon.
Maritime SAR coordination organs shall inform ships navigating in the waters in question and the ship operating institutions, enterprises and organs of the reported data.

Article 35 (Reporting to maritime SAR coordination organs)
In case a ship fails to arrive at a port or communication with the ship is cut off, ship operating institutions, enterprises and organs shall report to maritime SAR coordination organs in time thereon.
Ships, ship operating institutions, enterprises and organs who have found or been informed of a distressed ship and person shall report to maritime SAR coordination organs thereon.

Article 36 (Distress communication)
Ships in imminent distress or in distress shall send distress alert with any means including radio equipment or signaling equipment.
The institutions, enterprises and organs that have received a distress alert, shall report it to the Maritime Rescue Coordination Center by dialing maritime rescue service telephone number.

Article 37 (Prioritization of distress communication)

Distress communication has a priority over other radio communications.

Ships, institutions, enterprises and organs shall be on standby for rescue in the frequency band for distress, emergency and safety.

Article 38 (Cancellation of false distress alert)

Ships shall ensure that a false distress alert is not transmitted. In case it is transmitted due to the malfunctioning of radiocommunication equipment, human error or for the test purpose, the ship shall immediately inform maritime search and rescue coordination organs and any ship in vicinity immediately thereof.

Article 39 (Establishment of rescue communication facilities reserves)

Certain areas in which rescue communication facilities are established may be set as a rescue communication facilities reserve.

Such areas shall be subject to designation by the Cabinet.

Article 40 (Prohibited acts in rescue communication facilities reserves)

Institutions, enterprises, organs and citizens shall not install in the rescue communication facilities reserves any radio facilities that might affect the radiocommunication or other facilities irrelevant to rescue communication.

Article 41 (Navigation information service fee)

Ships, institutions, enterprises and organs that have received navigational information service shall pay a fixed service fee.

The fee shall be set by the national pricing organ.

Chapter 4 Rescue operation and coordination

Article 42 (Ship monitoring for maritime SAR coordination)

Maritime SAR coordination organs shall ensure real-time monitoring of ships by qualified maritime SAR coordination personnel.

The maritime SAR coordination personnel may call a ship with radio communication equipment in order to check the accuracy of the reported information or distress alert.

The ship shall respond to the call in time.

Article 43 (Identification, analysis and report of a distress alert)

The maritime SAR coordination organ, upon receipt of a distress alert, shall identify and analyze the authenticity, seriousness and location of distress in time and immediately report the result to the National Maritime SAR Coordination Committee.

Article 44 (Implementation of maritime SAR contingency response plans)

Upon verification of the distress alert, maritime SAR coordination organs shall conduct rescue coordination and operations pursuant to the maritime SAR contingency response plan.

Institutions, enterprises, organs listed in maritime SAR contingency response plan shall strictly follow the plan during the SAR operations.

Article 45 (Fulfillment of rescue duties and cooperation)

The institutions, enterprises and organs appointed to rescue persons and ships in distress by maritime SAR coordination organs shall cooperate with each other, fulfilling their rescue duties.

Article 46 (Passage, entry into and exit from port for the purpose of maritime SAR)

Relevant organs such as public security organs and immigration control organs shall give priority to the passage, port entry and exit of maritime SAR personnel and vehicles as well as sailing of rescue vessels.

Article 47 (Deviation from a voyage route and rescue duties)

The ship which has received an order to be mobilized for rescue operations from maritime SAR coordination organs or received a distress alert from ships in vicinity shall be engaged in the rescue of persons and ships in distress with top priority, insofar as the ship's deviation from the intended route does not expose her to any grave danger.

The master who has found a ship or person in distress during the voyage shall immediately take rescue measures and report it to maritime SAR coordination organs promptly by all possible means.

Article 48 (Priority of rescue)

Persons shall be considered prior to any cargo or ship in terms of rescue.

Article 49 (Rescue cooperation with other States' SAR coordination organs)

The Maritime Rescue Coordination Center may cooperate with other States' maritime SAR coordination organs in order to rescue DPRK flagged ships in distress in the foreign waters.

Where there is in place a bilateral agreement between the DPRK and another State with regard to maritime SAR operation, such agreement shall be adhered to.

Article 50 (Rescue of foreign flag ships in DPR Korea waters)

A foreign flagged ship that intends to enter the DPRK waters to rescue their ship in distress in the said waters shall notify the Maritime Rescue Coordination Center thereof. In this case the Maritime Rescue Coordination Center shall take measures subject to the approval of relevant organs.

Article 51 (Post-rescue monitoring of the ship for its safe navigation and medical care for the rescued persons)

Maritime SAR coordination organs shall continue to monitor the rescued ship and persons as well as the rescue ship to ensure their safe navigation until they arrive at the destination and ensure that the rescued persons are provided with on-scene or telemedical care by the public health organs.

Article 52 (Post-rescue report)

Maritime SAR coordination organs, once the rescue operation is completed, shall communicate the relevant institutions, enterprises and organs thereto.

In case there is a need to install a beacon in the place where the ship has been sunk in order to ensure the safe navigation in the waterway, maritime SAR coordination organs shall notify the national hydrographic organ and other relevant organs thereof.

Article 53 (Reimbursement of expenditure on rescue)

The institutions, enterprises and organs whose ship has been rescued shall pay for the expenditure on the rescue. In this case the National Committee of Maritime SAR Coordination may verify such expenditure as appropriate.

Chapter 5 Guidance and control over maritime SAR operation

Article 54 (Guidance on maritime SAR operation)

Guidance on the maritime SAR affairs shall be undertaken by the national maritime authority under the coordinated leadership of the Cabinet.

The national maritime authority shall undertake guidance over maritime SAR affairs on a regular basis.

Article 55 (Supervision and control over maritime SAR affairs)

Supervision and control over maritime SAR affairs shall be undertaken by the national maritime authority and relevant supervisory organs which shall monitor and control the implementation of the State's policy on maritime SAR affairs.

Article 56 (Provision of conditions for maritime SAR operation)

Local organs of power, ship operating institutions, enterprises and organs as well as the relevant national authorities such as the state planning organ, power supplying organs, telecommunication organs, public health organs shall provide electrical power, equipment, material, fund and communication necessary for maritime SAR operation with a high sense of responsibility.

Article 57 (Qualification of a maritime SAR coordination officer)

Maritime SAR coordination shall be conducted by adequately qualified personnel only.

Any maritime SAR coordination officer shall undergo the competency assessment by the national maritime authority every 3 years.

The national maritime authority shall appoint appropriate experts to be maritime SAR coordination officers.

Article 58 (Administrative responsibility)

Administrative sanctions shall, as the case may be, be imposed on any official of institutions, enterprises and organizations or individual citizen who is to blame for the following cases:

1. in case where they fail to establish, update the maritime SAR contingency response plan or to obtain the approval;
2. in case where they fail to prepare the communication equipment as required; lend communication equipment to the others without permission; or conduct operational communications using the frequency for distress, emergency and safety thus hindering maritime SAR operations;
3. in case where a ship fails to report as required or to respond to the call of maritime SAR coordination organs
4. in case where they turn off the radio communication equipment or fail to maintain 24-hour communication in the frequency for distress, emergency and safety
5. in case where they fail to be mobilized for maritime SAR operations in time or conduct maritime SAR operations irresponsibly;
6. in case where they negligently maintain the radio communication equipment thus making them unworkable;
7. in case where they transmit a false report or distress alert thus causing great confusion in maritime SAR operations;
8. in case where they delete, change or disclose reported ship data without permission;

9. in case where they fail to report the ship data or distress circumstances as required by the stipulated procedures; or
10. in case where they commit an act affecting the communication in the rescue communication facilities reserve.

Article 59 (Criminal responsibility)

Where any case referred to in Article 58 is judged criminal, criminal sanctions shall be imposed on the accountable official of the institution, enterprise or organization or the individual citizen in accordance with the relevant provisions of the Criminal Law.